

January 17, 2002

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT.

1. **RESOLVED**, that the following items are hereby received and filed.

- | | | | | |
|----|---|------|-------|--------------|
| | Item | Page | -2001 | (Comm. 2D-7) |
| a. | DPW: SEQR – Solicitation for lead Agency Status – Building/Plaza Rehab for 95 Franklin Street.
(5-0) | | | |
| | Item | Page | -2001 | (Comm. 4D-4) |
| b. | DPW: SEQR – Solicitation for Lead Agency Status – Reconstruction of Glen Avenue Bridges, Village of Williamsville.
(5-0) | | | |
| | Item | Page | -2001 | (Comm. 5D-6) |
| c. | DEP: SEQR – Negative Declaration – Scoby Hill Road.
(5-0) | | | |
| | Item | Page | -2001 | (Int. 5-17) |
| d. | OLMA & DeBENEDETTI: Dialogue on the Appointments and Qualifications of Erie County Water Authority Commissioners.
(5-0) | | | |
| | Item | Page | -2001 | (Int. 5-18) |
| e. | OLMA & DeBENEDETTI: Compensation of Commissioner of the Erie County Water Authority.
(5-0) | | | |
| | Item | Page | -2001 | (Comm. 6D-6) |
| f. | DPW: SEQR Lead Agency Status Erie County Secure Youth Detention Facility, 810 East Ferry Street.
(5-0) | | | |
| | Item | Page | -2001 | (Comm. 6D-7) |
| g. | DPW: SEQR Negative Declaration – Reconstruction of Glen Avenue Bridges, Village of Williamsville.
(5-0) | | | |
| | Item | Page | -2001 | (Int. 7-28) |
| h. | DUSZA: Opposing Efforts to Shut Down Telespectrum Worldwide Call Center in Cheektowaga.
(5-0) | | | |

- i. Item Page -2001 (Comm. 12D-10)
ERIE COUNTY WATER AUTHORITY: Improvement & Extension of Bond Resolution for Year Ending 12/31/00.
 (5-0)
- j. Item Page -2001 (Comm. 15E-36)
COUNTY EXECUTIVE: ECSD Nos. 1,4 &5 – Northern Region Administration Building Contract “C” – Plumbing Close Out – A. Garelick & Sons.
 (5-0)
- k. Item Page -2001 (Comm. 15E-38)
COUNTY EXECUTIVE: ECSD Nos. 1,4 & 5 – Northern Region Administration Building Contract “A” – General Close Out – Patrick Development of WNY.
 (5-0)
- l. Item Page -2001 (Comm. 17D-40)
DEP: SEQR – Negative Declaration – Old Lakeshore Road Between Bennet Road & Wendt Beach County Park..
 (5-0)
- m. Item Page -2001 (Comm. 19M-3)
NYSDEC: Fact Sheet Re: Fourth Street Site Record of Decision.
 (5-0)
- n. Item Page -2001 (Comm. 20E-12)
COUNTY EXECUTIVE: ECSD No. 2 – Engineering Service Agreements – Work Order: SW-1 Comm. 20E-17.
 (5-0)
- o. Item Page -2001 (Comm. 20E-27)
COUNTY EXECUTIVE: EC Southtowns Sewage Treatment Agency Engineering Service Agreements Work Order URS-9.
 (5-0)
- p. Item Page -2001 (Comm. 20E-28)
COUNTY EXECUTIVE: ECSD Nos. 1-6 & Southtowns Sewage Treatment Agency – URS Corporation – Change Order No.1.
 (5-0)
- q. Item Page -2001 (Comm. 20E-32)
COUNTY EXECUTIVE: EC Southtowns Sewage Treatment Agency – Engineering Service Agreement – Work Order – URS – 10.
 (5-0)
- r. Item Page -2001 (Comm. 20M-8)
NYSDEC: 1996 Clean Water – Clean Air Bond Act Project Bulletin – 1 Liberty Avenue Cleanup Activities.
 (5-0)

- s. Item Page -2001 (Comm. 21E-9)
COUNY EXECUTIVE: ECSD No. 2 – Eminent Domain Proceedings Madison Avenue.
(5-0)
- t. Item Page -2001 (Comm. 21E-26)
COUNTY EXECUTIVE: ECSD No. 5 – Engineering Service Agreements.
(5-0)
- u. Item Page -2001 (Comm. 21E-27)
COUNTY EXECUTIVE: ECSD No. 5 – Section 271 Resolution.
(5-0)
- v. Item Page -2001 (Comm. 21E-28)
COUNTY EXECUTIVE: ECSD No. 5 – Engineering Service Agreements.
(5-0)
- w. Item Page -2001 (Comm. 21M-4)
NYSDEC: Fact Sheet – Cleanup ROCO Limited, Town of Cheektowaga.
(5-0)
- x. Item Page -2001 (Comm. 25D-2)
DEP: Memo to Budget Director from Charles J. Alessi Re: Comms. 20E-23 & 20E-36.
(5-0)
- y. Item Page -2001 (Comm. 25D-7)
DEP: SEQR – Solicitation for Lead Agency Status – ECSD No. 4 Boundary Extension.
(5-0)
- z. Item Page -2001 (Comm. 25E-20)
COUNTY EXECUTIVE: ECSD No. 4 – Walden Corridor Extension Erie County Sewer
Agency Report.
(5-0)
- aa. Item Page -2001 (Comm. 25E-30)
COUNTY EXECUTIVE: ECSD Nos. 1-6 – User Charge Rates.
(5-0)
- bb. Item Page -2001 (Comm. 25E-31)
COUNTY EXECUTIVE: EC Southtowns Sewage Treatment Agency A/E Agreement
Dated 4/20/00 – Engineering Change Order No. 2 – R&D Engineering.
(5-0)
- cc. Item Page -2001 (Comm. 27M-1)
NYSDEC: Fact Sheet Re: Pfohl Brothers Landfill.
(5-0)
- dd. Item Page -2002 (Comm. 1D-5)
DEP: SEQR – NegativeDeclaration – Notice of Determination of Non-Significance Unlisted.
(5-0)

- ee. Item Page -2002 (Comm. 1D-10)
DEP: SEQR – Solicitation for Lead Agency Status – Unlisted Action.
 (5-0)
- ff. Item Page -2002 (Comm. 1E-31)
COUNTY EXECUTIVE: ECSD No. 2 – Construction Inspection Service Agreement.
 (5-0)
- gg. Item Page -2002 (Comm. 1E-32)
COUNTY EXECUTIVE: ECSD No. 2 – Lakeview Pumping Station Elimination Contract
 No. 39H – Change Order No. 2 – CMH Company.
 (5-0)
- hh. Item Page -2002 (Comm. 1M-5)
NYSDEC: Fact Sheet – Upcoming Brownfields Site Investigation 237 Kensington Avenue –
 Trinidad Park.
 (5-0)
2. Item Page -2001 (Int. 9-15)
RANZENHOFER

WHEREAS, the New York State Thruway Authority wants to improve traffic flow on the Interstate 90 east of Buffalo and is considering moving the Williamsville toll to the east along the 18-mile corridor between the present toll and exit 48A in Pembroke, and

WHEREAS, the authority's consulting firm has analyzed each mile along the stretch, and by using a scoring system that incorporates engineering and environmental factors, has identified three potential sites, and

WHEREAS, the sites chosen are between mile markers 404-405 east of Crittenden Road, between mile markers 408-409 west of South Newstead Road and mile marker 410 west of North Millgrove Road near Ransom Road, and

WHEREAS, the proposed solution to moving the toll barrier has simply been to move all the Williamsville toll barrier problems to the communities of Clarence, Newstead and Lancaster, and

WHEREAS, this conditions of air and noise pollution created by the toll barrier will not get resolved or go away by simply moving the toll barrier along with its serious environmental issues from one community to another, and

WHEREAS, the areas of Clarence, Newstead and Lancaster offer residents a beautiful and clean suburban/rural environment - moving the current Williamsville Toll Barrier would be irresponsible to the residents who live there and in due course negatively affect the quality of life in those communities forever, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature looks to provide viable solutions and conditions that best protect all residents of Erie County, and be it further

RESOLVED, that this Honorable Body does hereby call upon the New York State Department of Transportation and the New York State Thruway Authority to develop a creative plan that will fully address air and noise pollution conditions created by the toll barrier before even considering moving the facility in the communities of Clarence, Newstead and north eastern Lancaster, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor Pataki, the New York State Department of Transportation, the New York State Thruway Authority, the New York Department of Environmental Conservation and members of the Western New York delegation.

(5-0)

3. Item Page -2001 (Comm. 19E-21)

COUNTY EXECUTIVE

WHEREAS, the United States Department of Housing and Urban Development (HUD) has an inventory of single and two-family houses in Erie County, which are available for resale on the open market; and

WHEREAS, those houses which are not sold within six months become eligible for resale to local governments for \$1.00, provided the local government agrees to undertake a disposition strategy whereby the houses will be rehabilitated and sold to low- and moderate-income first time homebuyers; and

WHEREAS, a local government, as part of the disposition strategy, may indicate that it intends to purchase the properties and convey them to a non-profit organization for rehabilitation and resale to first time homebuyers or some other public purpose objective; and

WHEREAS, Erie County is desirous of participating in the federal Department of Housing and Urban Development's "\$1.00 Home Sales to Local Governments" Program,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute all appropriate agreements, contracts of sale, and related documents with HUD and/or its duly authorized agent as pertains to the purchase of eligible properties under the federal \$1.00 Home Sales to Local Governments Program; and be it further

RESOLVED, that the cost of each property shall not exceed \$1.00; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute all necessary and appropriate agreements, contracts of sale, and related documents with Erie County certified not-for-profit organizations and/or their duly authorized agents as pertains to the sale, at no cost, of eligible properties under the federal \$1.00 Home Sales to Local Governments Program; and be it further

RESOLVED, that said non-profit organization shall be responsible for all closing costs, liens filed against the property, any and all taxes, including transfer taxes, title insurance, and any property insurance; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of the Department of Environment and Planning, the Director of the Division of Budget, Management, and Finance, the County Attorney, and the Erie County Comptroller.
(5-0)

AS AMENDED

4. Item Page -2001 (Comm. 20E-14)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 45EV to Milherst Construction, Inc.; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of Contract No. 45EV in the amount of \$508,399.45 which includes Change Order No.1 (final), a decrease of (\$25,544.55) and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 45EV between the County of Erie and Milherst Construction, Inc. 2601 Millersport Highway, P.O. Box 631, Getzville, New York 14068, be accepted in the amount of \$508,399.45 which includes Change Order No. 1 (final), a decrease of (\$25,544.55); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 45EV between the County of Erie and Milherst Construction, Inc. in the amount of \$508,399.45 and make final payment from Sewer Capital Account SD No. 2, Fund No. 430, Project No. 913, and return the unused portion \$25,544.55 to Unallocated Account 891; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy each to Nancy Naples, Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney and Thomas Mazur, Director of Budget and Management.
(5-0)

AS AMENDED

5. Item Page -2001 (Comm. 20E-15)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 6L to Tom Greenauer Development, Inc.; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of Contract No. 6L in the amount of \$745,546.20 which includes Change Order No.1 (final), a decrease of (\$33,898.80) and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 6L between the County of Erie and Tom Greenauer Development, Inc., 2699 Transit Road, Elma, New York 14059, be accepted in the amount of \$745,546.20 which includes Change Order No.1 (final), a decrease of (\$33,898.20); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 6L between the County of Erie and Tom Greenauer Development, Inc. in the amount of \$745,546.20 and make final payment from Sewer Capital Account SD No. 2, Fund No. 430, Project No. 534, and return the unused portion to Unallocated Account; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy each to Nancy Naples, Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney and Thomas Mazur, Director of Budget and Management.
(5-0)

AS AMENDED

6. Item Page -2001 **COUNTY EXECUTIVE**
(Comm. 20E-29)

WHEREAS, the Erie County Department of Environment and Planning monitors the Erie County Sports Fishery through the County Sport Fishery Promotion Program and the Erie County Fisheries Advisory Board; and

WHEREAS, B.A.S.S., LLC of Montgomery, Alabama, has contacted the Buffalo Niagara Convention and Visitors Bureau that they have identified Lake Erie and the Niagara River to hold and conduct a BASS Tournament on said areas in summer, 2002; and

WHEREAS, Erie County as 'Host' of said Tournament stands to gain national attention to its Bass Fishery and also gain \$1,000,000+ in economic impact from said Tournament; and

WHEREAS, the Buffalo Convention and Visitors Bureau has requested that Erie County identify funding to pay B.A.S.S. the sum not to exceed \$30,000 to be paid within five (5) days after the conclusion of said Tournament; and

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract with Buffalo Niagara Convention and Visitors Bureau for an amount not to exceed \$30,000 for the purpose of bringing a national BASS Tournament to Erie County in summer, 2002; and be it further

RESOLVED, that the source of said funds for said contract shall be money appropriated in the Agency Payments monitored by the Department of Environment and Planning, Account 830, sub-account 894, Sports Development Fund within the 2001 Erie County Budget; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of the Department of Environment and Planning, the County Comptroller, the Director of Budget, Management and Finance, and the Buffalo Niagara Convention and Visitors Bureau.
(5-0)

AS AMENDED

7. Item Page -2001 (Comm. 20E-30)

COUNTY EXECUTIVE

WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5 & 6 have a system of Sewer District User Charges or Fees; and

WHEREAS, the Boards have requested and are desirous of collecting said User Charges or Fees in 2002 for properties in the same manner and fashion as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized and directed to spread said 2002 Sewer District User Charges or Fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, & 6 liable therefore as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District #1	\$ 367,689.21
Sewer District #4	\$ 321,851.19
Sewer District #5	\$ 190,002.00
Sewer District #2	
(Original & Extension)	\$ 92,631.84
Sewer District #3	
(Original District)	\$ 290,557.83
Sewer District #3	
(Boston Valley)	\$ 17,230.40
Sewer District #3	
(Armor McKinley)	\$ 91,780.80
Sewer District #3	
(Holland)	\$ 13,254.00
Sewer District #6	<u>\$1,139,601.48</u>
	\$2,524,598.75

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to Charles J. Alessi, P.E., Deputy Commissioner; Nancy Naples, Erie County

Comptroller; Joseph Maciejewski, Deputy Commissioner, Real Property; Gregory Dudek, Assistant County Attorney and Joseph Passafiume, Director of Budget, Management and Finance.
(5-0)

8. Item Page -2001 (Comm. 20E-33)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature, at the request of the Erie County/Southtowns Sewage Treatment Agency (ECSSTA), awarded a contract to the engineering firm of Stearns & Wheler, LLC to prepare a Wastewater Facilities Report to consider upgrading and increasing the capacity of the ECSSTA's plant; and

WHEREAS, the original Scope of Services in Stearns & Wheler, LLC's contract did not include evaluation of potentially merging ECSSTA wastewater treatment and related services with the Buffalo Sewer Authority (BSA) ; and

WHEREAS, the services of the Engineer are necessary to assist the County with the evaluation of the feasibility of merging common wastewater services with the Buffalo Sewer Authority, and the Buffalo Sewer Authority has agreed to fund a corresponding amount of the total co-facilitation, merger study costs; and

WHEREAS, the County has been considering the feasibility of merging wastewater treatment services with the Buffalo Sewer Authority. Previous studies considered the possibility of conveying flows from the ECSSTA to the BSA only. The proposed services will include the evaluation of the potential merging of common wastewater services including laboratory, pretreatment, purchasing, and wastewater. The proposed study will evaluate the potential merging of services given the Buffalo Sewer Authority's on-going combined sewer overflow Long-Term Control Plan and will include the Department of Environmental Conservation as a team member in the evaluation process; and

WHEREAS, the cost to expand the Scope of Services of Stearns & Wheler, LLC's contract to prepare a cost effective analysis of evaluation of potentially merging common wastewater services with the BSA, Stearns & Wheler, LLC's agreement is estimated to be \$30,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 3 to the agreement for engineering services with Stearns & Wheler, LLC in an amount not to exceed \$30,000.00 is hereby approved; and be it further

RESOLVED, that the following transfers are approved in the 2001 Budget, from the General Fund to the Sewer Fund:

DAC 110 904 303 830 1299	<\$30,000.00>
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Interfund transfer out to the	\$30,000.00
Sewer Fund in the Department	
of Environment & Planning	
DAC 110 945 620 886 2200	

Interfund Transfer in
220 853 831 686 3030

<\$30,000.00>

Contractual Services
220 853 830 830

\$30,000.00

RESOLVED, that the Deputy Commissioner, Division of Sewerage Management, be and hereby is, authorized to execute the Change Order No.3 with Stearns & Wheler, LLC; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning, Gregory J. Dudek, Assistant County Attorney, Nancy Naples, Erie County Comptroller, and Joseph Passafiume, Director, Budget, Management and Finance.

(5-0)

9.	Item	Page	-2001	(Comm. 21E-19)
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COUNTY EXECUTIVE

WHEREAS, based on actual to date costs and projected year end costs, it is estimated that there will be insufficient funds available in the Fringe Benefits Accounts for the Erie County Sewer District No. 2 and 6 Operating Codes for the remainder of the 2001 Budget Year; and

WHEREAS, transfers of funds are necessary to cover the costs of Fringe Benefits in each District for the remainder of the 2001 Budget Year; and

WHEREAS, there are sufficient funds available in other Operating Codes in the 2001 Operating Fund in Erie County Sewer District Nos. 2 and 6 in their 2001 Budgets.

NOW, THEREFORE, BE IT

RESOLVED, that the following amounts be transferred from the 2001 Operating Funds in Erie County Sewer District Nos. 2 and 6 to provide sufficient funds for Fringe Benefits costs for the remainder of 2001:

1. The amount of \$13,000.00 from Fund 220, Project 852, Department 820, Account 826, Other Expenses, to Fund 220, Project 852, Department 820, Account 805, Fringe Benefits; and
2. The amount of \$30,000.00 from Fund 220, Project 854, Department 840, Account 935, Unanticipated Replacement, to Fund 220, Project 854, Department 840, Account 805, Fringe Benefits;

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy Naples, Erie County Comptroller, and Joseph Passafiume, Director of Budget and Management.

(5-0)

10. Item Page -2001 (Comm. 25E-27)

COUNTY EXECUTIVE

WHEREAS, the Town of Lancaster, on behalf of Town Sewer District Nos. 4, 6, 7, & 8, has requested Erie County Sewer District No. 4 to assume ownership of Town Sewer District Nos. 4, 6, 7, & 8 sanitary sewer lines; and

WHEREAS, an intermunicipal agreement is necessary to consolidate the ownership of the Lancaster Town Sewer District Nos. 4, 6, 7, & 8 sewers with Erie County Sewer District No. 4.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County on behalf of Erie County Sewer District No. 4 and the Town of Lancaster on behalf of Town Sewer District Nos. 4, 6, 7 & 8 for the purpose of transferring ownership of Town Sewer District Nos. 4, 6, 7 & 8 sewer lines and appurtenances to Erie County Sewer District No. 4 is hereby approved, and that the County Executive be, and hereby is, authorized to execute the agreement subject to approval as to form by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning and one (1) certified copy each to Nancy Naples, County Comptroller; Gregory Dudek, Assistant County Attorney; and Joseph Passafiume, Director of Budget, Management and Finance.

(5-0)

11. Item Page -2001 (Comm. 25E-29)

COUNTY EXECUTIVE

WHEREAS, Erie County obtained title to Tow Path Park from the City of Buffalo in 1999; and

WHEREAS, Erie County received grant award funds through the New York State Environmental Bond Fund Program for improvements to Tow Path Park; and

WHEREAS, Erie County and the City of Buffalo executed an Intermunicipal Agreement on August 17, 1999 relating to the ownership transfer and administration of outstanding State grant awards for Tow Path Park,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the grant agreement executed between Erie County and the New York State Office of Parks, Recreation, and Historic Preservation on April 11, 2000, the Erie County Comptroller is hereby authorized to accept payment of \$87,534 from New York State pursuant to the aforementioned agreement; and be it further

RESOLVED, that pursuant to the Intermunicipal Agreement executed between Erie County and the City of Buffalo on August 17, 1999 relative to Tow Path Park, the Erie County Comptroller is hereby authorized to transfer to the City of Buffalo \$87,534 in New York State Environmental

Bond Fund Grant funds received by Erie County as reimbursement for work undertaken by the City at Tow Path Park; and be it further

RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this resolution to the County Executive, the Commissioner of the Department of Environment and Planning, the Director of the Division of Budget, Management, and Finance, the County Attorney, and the Erie County Comptroller.

(5-0)

12. Item Page -2001 (Comm. 26E-18)

COUNTY EXECUTIVE

RESOLVED, that the Energy & Environment Committee does hereby recommend that the full Legislature confirm the appointment of Edward G. Meyer of 54 Laverack Avenue, Lancaster, New York 14086 as a Member of the Erie County Sewer District Board #4.

(5-0)

13. Item Page -2001 (Comm. 27E-26)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract "A", to Patrick Development of WNY, Inc. for the Erie County Sewer District Nos. 1, 4 & 5 Northern Region Administration Building Project; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract "A" in the final contract amount of \$1,454,908.60 which includes Change Order No. A-4 (final) a decrease of \$420.00, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract "A" between the County of Erie and Patrick Development of WNY, Inc. 8610 Transit Road, East Amherst, New York 14051, is accepted in the amount of \$1,454,908.60, which includes Change Order No.4 (final) a decrease of \$420.00, and final payment is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract "A" between the County of Erie and Patrick Development of WNY, Inc in the amount of \$1,454,908.60 and make final payment from Sewer Capital Account SD #1, 4 & 5, Fund No.430, Project No. 916.; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to the Director of Budget and Management, Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.

(5-0)

14. Item Page -2001 (Comm. 27E-27)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has awarded Contract "C", to A. Gareleck and Sons, Inc. for the Erie County Sewer District Nos. 1, 4 & 5 Northern Region Administration Building Project; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract "C" in the final contract amount of \$196,813.44, which includes Change Order No. C-2 (final) a decrease of (\$1,638.00), and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract "C" between the County of Erie and A. Gareleck and Sons, Inc., 125 Arthur Street, Buffalo, New York 14207, is accepted in the amount of \$196,813.44, which includes Change Order No. C-2 (final) a decrease of (\$1,638.00), and final payment is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract "C" between the County of Erie and A. Gareleck and Sons, Inc. in the amount of \$196,813.44 and make final payment from Sewer capital Account SD Nos. 1, 4 & 5 Fund No. 430, Project No. 916; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to the Director of Budget and Management, Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.
(5-0)

15. Item Page -2002 (Comm. 1E-30)

COUNTY EXECUTIVE

WHEREAS, "The County of Erie/Erie County Southtowns Sewage Treatment Agency and Erie County Sewer District No. 6 herein called the "Municipal Applicant" after thorough consideration of the various aspects of the project and study of available data, has hereby determined that the Project generally described as the Southtowns Sewage Treatment Plant/Lackawanna Treatment Plant Joint Connection to the Buffalo Sewer Authority, herein called the "Project" is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for environmental projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith; and

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for State assistance in the form required by the State of New York in conformity with the Clean Water/Clean Air Bond Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person (s) is/are directed and authorized as the official representative (s) of the Municipal Applicant to execute and deliver the State Assistance Contract and any other documents necessary to receive financial assistance from the State for the Project described, to act in connection with the Project and to provide such additional information and documentation as may be required and to make such agreements on behalf of the Municipal Applicant as may be required.

The COUNTY EXECUTIVE
(Authorized Representative)

The ERIE COUNTY COMPTROLLER
(Chief Fiscal Officer)

3. The official (s) designated above is/are authorized to make application for financial assistance under the Clean Water/Clean Air Bond Act.
4. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
5. That one (1) certified copy of this Resolution be prepared and sent to the Albany Office of the New York State Department of Environmental Conservation together with the *Application for State Assistance Payments*; that five (5) certified copies of this resolution be prepared and sent to Charles J. Alessi, P.E., Department of Environment and Planning, Division of Sewerage Management; and that one (1) certified copy of this resolution be prepared and sent to Nancy A. Naples, Erie County Comptroller.
6. The Resolution shall take effect immediately.

(5-0)

16. Item Page -2002 (Comm. 1E-38)

COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation & Forestry desires to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for Snowmobile Trail Development during the 2001-2002 snowmobile season in an amount not to exceed \$53,334.27, and

WHEREAS, the sum of \$1,000 is budgeted as a state revenue for snowmobile development in the 2002 Adopted Budget of the Division of Parks, and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the Erie County Department of Parks, Recreation and Forestry within the County parks and forest lots, as well as similar work performed by the individual Snowmobile Clubs of Erie County on club trails located outside County-owned lands,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed \$53,334.27 as pertains to snowmobile trail maintenance performed during the 2001-2002 snowmobile season, and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the individual Snowmobile Clubs of Erie County for a total amount not to exceed \$49,174.27 for the purpose of snowmobile trail maintenance on club trails during the 2001-2002 snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in amounts as follows:

Colden Trail Riders Inc.	\$3,546.30
Eden Trail Blazers Inc.	\$3,137.10
Grand Island Snowmobile Club Inc.	\$3,546.30
Hamburg Snowmobile Club Inc.	\$5,626.35
Holland Sno-Rascals Inc.	\$2,301.70
Marilla Sno-Mob Inc.	\$5,660.50
Northern Erie Snowseekers Inc.	\$7,658.62
Pioneer Sno-Surfers Inc.	\$2,693.80
Southern Tier Snowdrifters Inc.	\$7,638.20
W.N.Y.Snowmobile Club of Boston Inc.	<u>\$7,365.40</u>
	\$49,174.27

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated state aid revenue in the Division of Parks, fund 110, project 942, dept. 640, account 553, in the amount of \$49,174.27, and an increase in appropriations in the amount of \$49,174.27, in the Division of Parks, fund 110, project 942, dept. 640, account 830, in order that funds may be available to make payment to the individual clubs of the Erie County Federation of Snowmobile Clubs, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget and Management and Finance, Commissioner of the Department of Environment and Planning, Assistant County Attorney, Greg Dudek, of the Law Department, and the Commissioner of the Department of Parks, Recreation and Forestry.

(5-0)

JOHN W. GREENAN
CHAIRMAN